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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/634,755

08/08/2000

Ronald Coleman

CITI0168

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01/22/2010

KING & SPALDING LLP (CITI CUSTOMER NUMBER)

ATTN: GEORGE T. MARCOU

1700 PENNSYLVANIA AVENUE, NW

SUITE 200

WASHINGTON, DC 20006

EXAMINER

WINTER, JOHN M

ART UNIT

PAPER NUMBER

3685

MAIL DATE

DELIVERY MODE

01/22/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/634,755	Applicant(s) COLEMAN ET AL.	
	Examiner JOHN M. WINTER	Art Unit 3685	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-14, 17-20 and 29-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-14, 17-20 and 29-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Acknowledgements

1. The Applicants amendment filed on October 30, 2009 is hereby acknowledged, Claims 11-15, 17-20 and 29-34 remain pending.

Response to Arguments

Applicant's arguments with respect to the pending claims have been considered but are moot in view of the new ground(s) of rejection.

Examiner further notes that the following assertion of facts has gone unchallenged and is considered admitted prior art: "the statistical analysis is performed by calculating the Shannon entropy" and "displaying an icon indicating an error" as well as "use statistical and probability tools such as non-parametric resampling statistics, Bayesian statistics or parametric statistics in order to perform statistical analysis."

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 11-14, 17-20 and 29-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reboh et al., (US Patent No 4,866,634) in view of Hedstrom et al. (US Patent 6,477,471) and further in view of Vaidyanathan et al (US Patent 6,941,287).

3. As per claims 11, 14 and 30,

Reboh et al. ('634) discloses a computer-implemented method comprising:

receiving by a computer a set of input financial data; (Column 4, lines 18-23)

storing by a computer one or more historical values, each historical value representing a previous set of input financial data; (Column 4, lines 24-34)

Reboh et al. ('634) does not explicitly disclose performing by a computer a mathematical calculation using the information content of the input financial data and the information content of the one or more historical values and presenting by the computer a confidence level that a change between the information content of the input financial data and the information content of the one or more historical values is caused by an error. Hedstrom

et al. ('471) discloses performing by a computer a mathematical calculation using the information content of the input financial data and the information content of the one or more historical values and presenting by the computer a confidence level that a change between the information content of the input financial data and the information content of the one or more historical values is caused by an error; (Figures 4 and 5, Column 3, lines 19-36 – confidence level corresponds to “goodness” prediction). It would have been

obvious to one of ordinary skill in the art at the time of the invention was made to combine the Reboh et al method with Hedstrom et al. ('471) method in order to reduce the cost of error correction in databases by providing a simple and inexpensive process to ensure the quality of the data being processed.

Reboh et al. ('634) does not explicitly disclose assessing by the computer the credibility that changes to the set of input financial data are the result of one or more errors.

Vaidyanathan et al ('287) discloses assessing by the computer the credibility that changes to the set of input financial data are the result of one or more errors (Column 13, lines 23-51 – the “fitness” or the data is representative of it’s accuracy [i.e. error free], column 40, line 19-50 discusses application of process to financial data). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the Reboh et al., in view of Hedstrom et al.’ method with Vaidyanathan et al ('287)method in order to reduce the cost of error correction in databases by providing a simple and inexpensive process to ensure the quality of the data being processed.

4. As per claims 15 and 33,

Reboh et al. ('634) discloses the system of claim 14,

Official Notice is taken that “displaying an icon indicating an error” is common and well known in prior art in reference to statistical analysis. It would have been obvious to one having ordinary skill in the art at the time the invention was made that an error would cause the user to be notified.

5. As per claim 17,

Reboh et al. ('634) discloses the system of claim 11,

Official Notice is taken that “the statistical analysis is performed by calculating the Shannon entropy” is common and well known in prior art in reference to statistical

analysis. It would have been obvious to one having ordinary skill in the art at the time the invention was made that the statistical analysis is performed using Shannon entropy because this is a standard technique that is well known and found in any statistical analysis textbook.

As per Claims 18-20,29 and 32,
the prior art teaches a method of statistical analysis, but not the process of non-parametric resampling statistics, Bayesian statistics or parametric statistics ". However, since these probability and statistics processes are old and well known in the field of art and thus is no more than the simple substitution of one known element for another it would be obvious to one of ordinary skill, would be to use statistical and probability tools such as non-parametric resampling statistics, Bayesian statistics or parametric statistics in order to perform statistical analysis. Ex parte Smith, 83 USPQ2d 1509 (Bd. Pat. App. & Int.

6. Claims 12, 13, 30 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reboh et al., (US Patent No 4,866,634) in view of Hedstrom et al. (US Patent 6,477,471) in view of Vaidyanathan et al (US Patent 6,941,287)and further in view of Masch (US Patent 5,930,762).

7. As per claim 12,
Reboh et al. ('634) discloses the method of claim 11,

Reboh et al. ('634) does not explicitly disclose the input data includes financial data feeds from one or more data processing systems. Masch ('762) discloses the input data includes financial data feeds from one or more data processing systems;(Column 2, lines 21-34) It would be obvious to one having ordinary skill in the art at the time the invention was made to combine the Reboh et al. in view of Hedstrom et al. in view of Vaidyanathan et al with the Masch ('762) method in order to generate a sufficient amount of data to achieve statistical accuracy.

8. As per claim 13,

Reboh et al. ('634) discloses the method of claim 11,

Reboh et al. ('634) does not explicitly disclose the input data includes financial data calculated by a financial risk management system. Masch ('762) discloses the input data includes financial data calculated by a financial risk management system;(Column 2, lines 21-34). It would be obvious to one having ordinary skill in the art at the time the invention was made to combine the Reboh et al method with the Masch ('762) method in order to generate a sufficient amount of data to achieve statistical accuracy.

9. As per claim 30,

Reboh et al. ('634) discloses the method of claim 30,

Reboh et al. ('634) does not explicitly disclose determining whether a variation in the inputted financial data is greater than a current mark to market or a maximum likely increase in value.

Masch ('762) discloses determining whether a variation in the inputted financial data is greater than a current mark to market or a maximum likely increase in value.(Column 12, lines 19-32). It would be obvious to one having ordinary skill in the art at the time the invention was made to combine the Reboh et al method with the Masch ('762) method in order to generate a sufficient amount of data to achieve statistical accuracy.

10. As per claim 34,
Reboh et al. ('634) discloses the method of claim 30,
Reboh et al. ('634) does not explicitly disclose classifying the difference between the first information content and the second information content using a plurality of categories that correlate to odds that the difference is an error in the inputted financial data. Masch ('762) discloses classifying the difference between the first information content and the second information content using a plurality of categories that correlate to odds that the difference is an error in the inputted financial data. (Column 32, lines 36-55). It would be obvious to one having ordinary skill in the art at the time the invention was made to combine the Reboh et al method with the Masch ('762) method in order to generate a sufficient amount of data to achieve statistical accuracy.

Double Patenting

11. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent

and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claim 11-15, 17-20 and 29-34 of this application conflict with claims 1-5, 7-10, 21-26, 28 and 30 of Application No. 10/989046. 37 CFR 1.78(b) provides that when two or more applications filed by the same applicant contain conflicting claims, elimination of such claims from all but one application may be required in the absence of good and sufficient reason for their retention during pendency in more than one application. Applicant is

required to either cancel the conflicting claims from all but one application or maintain a clear line of demarcation between the applications. See MPEP § 822.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN M. WINTER whose telephone number is (571)272-6713. The examiner can normally be reached on M-F 8:30-6, 1st Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Calvin Hewitt can be reached on (571) 272-6709. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JMW

/Calvin L Hewitt II/
Supervisory Patent Examiner, Art Unit 3685